

REMARKS

In the Office Action mailed on October 5, 2005, the Examiner rejected claims 1-7, 9, and 12-14 under 35 U.S.C. § 102(e) as being anticipated by Berman et al., U.S. Patent No. 6,502,194, and rejected claims 8, 10-11, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Berman et al. in view of Stokes, U.S. Patent No. 4,870,515. By this Amendment, Applicants have amended claim 8 to clarify aspects of the invention, taking care not to add any new matter.

Section 102(e) Rejections

Claims 1-7, 9, and 12-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Berman et al. To anticipate a claim, a reference must teach every element of the claim. M.P.E.P. § 2131.01 (8th ed. 2001, revised August 2005). Because Berman et al. does not disclose all of the elements recited in claims 1-7, 9, and 12-14, Applicants request the reconsideration and withdrawal of the Section 102(e) rejections.

Claim 1 recites a music piece data managing apparatus including, among other elements, a data transfer part for transferring reproducing order data to another storage part outside said music piece data managing apparatus. Berman et al. fails to disclose such a structure. Instead, Berman et al. discloses a playback unit that retrieves audio material from a network on demand. (Berman et al., Abstract.) As the reference explains, audio material is "recorded songs or other music," including "digitized sound clips stored as '.wav' files, MPEG...compressed-audio files, [and] streaming audio formats for continuous play of audio material...." (Id., col. 1, ll. 19-20; col. 2, ll. 28-42.)

Regarding the transfer of reproducing order data, the Examiner states in the Office Action that this element is taught by Figure 1, element 114 of the reference, which shows that "data is transferred from unit 100 to the home audio system...." (Office Action, p. 3.) However, the reference clearly states that "[t]he output interface [114] processes the audio material and provides it to the home audio system in a format that can be used by that system." (Berman et al., col. 5, ll. 65-67.) Figure 14 of the reference further explains that the playback unit 114 may include a digital signal processor and a digital-to-analog converter (DAC) for processing the audio material "for output to the home audio system for listening." (Id., col. 14, ll. 47-51.) Thus, the data transferred in the reference is music for listening, not reproducing order data that is formed to determine an order of reproduction of music pieces.

Because Berman et al. does not disclose every element of claim 1, Applicants request the reconsideration and withdrawal of the Section 102(e) rejections of claim 1 and its dependent claims 2-7 and 12-14.

Berman et al. also fails to teach additional elements recited in dependent claims 2-7 and 12-14. For example, Berman et al. does not teach reproducing order data that is formed by rearranging management data in accordance with a reproducing order of music pieces and allocating edition numbers representing the order of reproduction, as recited in claims 2 and 4-6. Berman et al. merely discloses that the playback unit may operate in a custom mode when a user records a program of track selections for playback in the programmed order. (Berman et al., col. 9, ll. 2-15.) There is no teaching in the reference of how the programmed order is formed. Further, there is no

teaching of any data formed by rearranging management data with allocated edition numbers. For these additional reasons, Berman et al. does not disclose every element of claims 2 and 4-6, and those claims are therefore not anticipated by the reference.

The Examiner included claim 9 in the section 102 rejections, although it depends from claim 8, which was not rejected under section 102. Nonetheless, both claim 8 and claim 9 contain recitations not taught in Berman et al., as discussed here and below. Claim 9 recites an in-vehicle audio information reproducing apparatus including a transfer data part for reading reproducing order data transferred by a transfer data media, wherein when the reproducing order data is read, said transfer data reading part notifies a storage part of said reproducing order data. As discussed above, Berman et al. does not disclose any transfer of reproducing order data. Instead, Berman et al. merely discloses music that is downloaded from a remote server and processed for playing through a home audio system. Because Berman et al. does not disclose every element of claim 9, Applicants request the reconsideration and withdrawal of the section 102 rejection of claim 9.

Section 103(a) Rejections

Claims 8, 10-11, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman et al. in view of Stokes. These rejections are traversed because a *prima facie* case of obviousness has not been made. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must show that the references, taken alone or combined, teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8th ed. 2001, revised August 2005). Because claims

8, 10-11, and 15 recite elements that are neither taught nor suggested by the references, taken alone or together, Applicants request the reconsideration and withdrawal of the section 103 rejections.

Amended claim 8 recites an in-vehicle audio information reproducing apparatus comprising, among other things, a transfer data reading part for reading reproducing order data transferred by a data transfer media, wherein the reproducing order data is generated by reordering management data according to a selected order for playback of music piece data. Berman et al. and Stokes, individually or in combination, do not teach such a device.

As discussed above, the playback unit of Berman et al. retrieves audio material from a network on demand. (Berman et al., Abstract.) As the reference explains, audio material is “recorded songs or other music,” including “digitized sound clips stored as ‘.wav’ files, MPEG...compressed-audio files, [and] streaming audio formats for continuous play of audio material.... (Id., col. 1, ll. 19-20; col. 2, ll. 28-42.) Once the audio material is obtained, according to the reference, “[t]he output interface [114] processes the audio material and provides it to the home audio system in a format that can be used by that system.” (Berman et al., col. 5, ll. 65-67.) Thus, the data transferred in the Berman et al. is music for listening, not reproducing order data that is formed to determine an order of reproduction of music pieces.

Even combining the teachings of Berman et al. with those of Stokes does not teach or suggest every element of claim 8. Stokes merely discloses transferring music data, such as a song or title. To play music, stored music data is transferred into the

memory of a playback apparatus that includes keys for selecting a desired order for playback. Once a user selects the playback order on the playback apparatus, the playback apparatus advances the recording medium to play the songs in the selected order. (Stokes, col. 2, ll. 25-38.) Because the playback order in Stokes is input directly into the playback apparatus, there would be no need to transfer reproducing order data by a data transfer media.

Furthermore, neither Berman et al. nor Stokes teaches or suggests reproducing order data that is generated by reordering management data according to a selected order for playback of the music piece data. According to the Examiner, management data “corresponds to the artist or title [sic, title] data that [is] stored together with the music pieces” in Stokes. (Office Action, p. 5.) Even if this interpretation is correct, nothing in the references suggests that the artist or title data is reordered according to a selected order for playback to generate reproducing order data that is transferred by a data transfer media. Instead, in Stokes, once a user selects the playback order using buttons on the playback apparatus, the playback apparatus simply advances the recording medium to play the songs in the selected order. (Stokes, col. 2, ll. 29-38.)

Adding the teachings of Berman et al. does not cure this defect. Berman et al. merely states that a user may record a program of track selections for playback in a programmed order. (Berman et al., col. 9, ll. 13-15.) Nothing in Berman et al. teaches or suggests the reordering of management data according to a selected order for playback to generate reproducing order data that is transferred by a data transfer media

For at least these reasons, Berman et al. and Stokes, taken individually or in combination, fail to disclose or suggest every element of amended claim 8. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the Section 102(b) rejection of claim 8.

Claim 10 depends from claim 8 and is nonobvious at least by virtue of its dependence from a nonobvious claim. Accordingly, Applicants request the reconsideration and withdrawal of the section 103 rejection of claim 10.

Claims 11 and 15 depend either directly or indirectly from claim 1 and contain several recitations not taught or suggested by Berman et al. and Stokes, taken individually or in combination. For example, claim 11 recites a transfer data reading part for reading reproducing order data transferred to another storage part. Claim 15 recites an apparatus wherein reproducing order data is transferred to another storage part by using a radio wave apparatus. As discussed above with respect to claims 1 and 8, the cited references do not teach or suggest a device in which reproducing order data is transferred to another storage part. Because the references fail to disclose or suggest every element of claims 11 and 15, Applicants request the reconsideration and withdrawal of the section 103 rejections of claims 11 and 15.

Applicants respectfully request reconsideration of this application, withdrawal of the claim rejections, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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